



Dkt. 0687/74768-BA-PCT-US/JPW/GJG/MJP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael Wayne Graham and Robert Norman Rice

Serial No. : 10/646,070 Examiner : Whiteman, Brian A.

Filed : August 22, 2003 Art Unit : 1635

For : CONTROL OF GENE EXPRESSION

30 Rockefeller Plaza  
20<sup>th</sup> Floor  
New York, New York 10112  
March 4, 2009

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Examiner mailed November 4, 2008 finally rejecting pending claims 48, 110, 114-136, 138, and 146-149 in connection with the above-identified application. The required fee for filing a Notice of Appeal under 37 C.F.R. § 1.17(b) is five-hundred and forty dollars (\$540.00) and a check for this amount is enclosed. Applicants are concurrently filing a Petition For A One-Month Extension Of Time to extend the deadline for responding to the November 4, 2008 Final Office Action by one month, i.e. to March 4, 2009.

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No fee, other than the enclosed fee of \$540.00, is deemed necessary in connection with the filing of this Notice. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Gary J. Gershik  
Reg. No. 39,992

Date